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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/689,393	10/20/2003	Jeffrey Gerard Bourque	10541-1881	2875
29074	7590	08/04/2005	EXAMINER	
VISTEON			REDMAN, JERRY E	
C/O BRINKS HOFER GILSON & LIONE			ART UNIT	
PO BOX 10395			PAPER NUMBER	
CHICAGO, IL 60610			3634	

DATE MAILED: 08/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/689,393

Applicant(s)

BOURQUE ET AL.

Examiner

Jerry Redman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>10/20/03</u> . | 6) <input type="checkbox"/> Other: _____  |

The applicant's information disclosure statement dated 10/20/2003 has been considered and a copy has been placed in the file.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the engagement surface including a plurality of gripping teeth as recited in claim 10, the cam is axially adjustable in a direction normal to the rail as recited in claim 12, and the cam is biased away from the rail and further comprising a latch fixing the cam in the locked position as recited in claim 14, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

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the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are further objected to because it appears that the cross-sectional views of Figures 4 and 6 are incorrect because elements 25 or 26 are not shown.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-17 (claim 14 is as best understood) are rejected under 35 U.S.C. 102(b) as being anticipated by Jensen. As shown in Figures 4-7, Jensen discloses a panel assembly for a motor vehicle comprising a fixed panel (36 and 39) defining an opening, a 3-sided rail attached to the fixed panel comprising an attachment side (the portion containing element 40) and an engagement side (as seen in Figure 7, the remaining portion having elements 50 and 49 and the portion containing element 49), a movable panel (35) slidably disposed within the rail, a handle (44, 55, and 56 forming a slot) attached to the moveable panel (35) and spaced therefrom and defining a recess (the portion to the left of teeth 48 and 49 as seen in Figure 5), a cam (47) pivotally mounted and having an engagement surface extending through a slot defined by the handle (44, 55, and 56 forms a slot to the right side as seen in figure 5), and the cam is biased (51)


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against the engagement side between a locked and unlocked position. As seen in Figure 5, Jensen further discloses a distal end of the cam to be curved and the proximal end (53) is eccentrically shaped as well as the engagement surface being planar (has a parallel side) and the engagement side of the rail is planar (seen in Figure 5 as having a flat surface extending therefrom. The cam (47) of Jensen can also be considered teeth or a pin projecting therefrom and is adjustable (column 2, line 42) in a direction normal to the rail. Jensen still further discloses a second 3-sided rail channel opposite to the first mentioned rail (best seen in Figure 4, the rail on the left side).

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. patent to Carlston discloses a latch assembly similar to that of the applicant's invention. U.S. patent to DeBruyn discloses a friction latch assembly similar to that of the applicant's invention. U.S. patent to Chamberlin discloses a friction latch assembly similar to that of the applicant's invention. U.S. patent to Hamm discloses a latch assembly having a pivotal pin similar to that of the applicant's invention. U.S. patent to Bills discloses a latch assembly having a retractable pin similar to that of the applicant's invention. U.S. patent to Buck et al. disclose a retractable pin latch assembly similar to that of the applicant's invention. U.S. patent to Stevens discloses a pivotal latch assembly similar to that of the applicant's invention. U.S. patent to Gross discloses a pivotal latch assembly similar to that of the applicant's invention.

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Any inquiry concerning this communication should be directed to Jerry Redman  
at telephone number 571-272-6835.



**Jerry Redman**  
**Primary Examiner**